5832269/2022/VIG-III-MAU01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – MA&UD Department - Nandyal Municipality – Disciplinary Proceedings instituted against Sri M. Fazul Rehaman, former Bill Collector (now retired),Nandyal Municipality, Kurnool District under Rule-20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 for committing misappropriation of Municipal funds in Nandyal Municipality – Enquiry Conducted – Charges Proved – imposition of a penalty of 3% cut in pension for a period of ten (10) years , besides recovery of an amount of Rs.31,470/-. - orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.III) DEPARTMENT

G.O.Rt.No.286 Dated.05.05.2022

Read the following:-

1. From the C&DMA, Hyd. Lr.No.9145/2014/C3-4, dt.02.07.2014, 5.03.2015, & 24.04.2015.
2. G.O.Rt.No.462 MA&UD(Vig.II.2) dated.29.06.2015.
3. WSD of Sri M. Fazul Rehaman, former Bill Collector, Nandyal Municipality, Kurnool District, dt.27.08.2015.
4. G.O.Rt.No.161 MA&UD(Vig.II.2) Dept, dated.26.03.2016.
5. From the Enquiry Officer & Addl. Mission Director, MEPMA.,Guntur, Lr.Roc.No.008/AMD(Admn)/2016, dt.29.06.2017.
6. Govt.Memo.No.10951/Vig.II(2)/2014, dt.20.09.2017.
7. From the DMA., Lr.Roc.No.9145/2014/C2, dt.15.11.2017.
8. Govt.Lr.No.10951/Vig.II(2)/2014, dt.07.05.2018.
9. From the Secretary, APPSC, Vijayawada, Lr.dt.10.08.2018, 25.10.2018, 29.01.2019 & 30.03.2021.
10. Govt.Memo.No.10951/Vig.II(2)/2014, dt.19.11.2018, 15.02.2019, 08.05.2021, 12.11.2021.
11. Govt.Memo.No.10951/Vig.III/2014, dt.02.11.2021, addressed to Govt.Pleader for MA&UD, High Court of AP.
12. From the Hon'ble High Court of AP in its W.P.No.26265/2021 filed by Sri M. Fazul Rehaman, former Bill Collector, dt.19.11.2021.
13. Govt.Memo.No.10951/Vig.III/2014, dt.02.03.2022 & 10.03.2022.
14. Extension Petition filed by the RDMA, Ananthapuram, vide I.A.No.1 of 2022 in W.P.No.26265/2021, dt.26.03.2022.
15. From the RDMA, Ananthapuram, Lr.dt.01.12.2021.
16. Govt.Memo.No.10951/Vig.III/2014, dt.30.03.2022.
17. Written representation of Sri M. Fazul Rehaman, former Bill Collector (Retired), dt.13.04.2022.
18. Govt.Lr.No.10951/Vig.III/2014, dt.21.04.2022.
19. From the Secretary, APPSC, Vijayawada, Lr.dt.04.05.2022.
20. From the Hon'ble High Court of AP in its W.P.No.7411/2022 filed by Sri M. Fazul Rehaman, former Bill Collector Retired),dt.24.03.2022.
21. From the Hon'ble High Court of AP in its C.C.No.1144 of 2020 filed by filed by Sri M. Fazul Rehaman, former Bill Collector (Retired), dt.09.04.2022.

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ORDER:

Based on the report of Commissioner and Director of Municipal Administration, Hyderabad, Government initiated disciplinary proceedings on the allegations of misappropriation of municipal funds in Nandyal Municipality, Kurnool District by framing article of charges under Rule 20 of A.P.C.S(CC&A) Rules, 1991 against Sri M. Fazul Rehaman, former Bill Collector, Nandyal Municipality, Kurnool District with a direction to submit his written statement of defence vide reference 2nd read above.

2. In the reference 3rd read above, the charged officer submitted his written statement of defence duly denying the charges framed against him and requested to drop the further action against him. Having not convinced

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with his reply, Government appointed Inquiry Authority to enquire into the charges framed against the charged officers vide reference 4th read above. Subsequently, the Inquiring Authority submitted his enquiry report stating that all the (5) charges were proved against Sri M. Fazul Rehaman, former Bill Collector, Nandyal Municipality, Kurnool District, vide reference 5th read above.

3. In the reference 6th read above, a copy of Enquiry report has been communicated to Sri M. Fazul Rehaman, former Bill Collector, Nandyal Municipality, Kurnool District with a direction to submit his written representation on the findings of the Inquiring Authority, if any. In reference 7th read above, the DMA has forwarded the written representations of Sri M. Fazul Rehaman, former Bill Collector, Nandyal Municipality on the findings of Inquiry Authority, wherein among others, he requested to drop the further action against him.

4. In the reference 8th read above, after following due procedure Government addressed a letter to A.P.Public Service Commission, Vijayawada, for obtaining their concurrence on the proposed penalties against (14) erring officials of Nandyal Municipality. In reply, the APPSC requested the Government to furnish certain information, vide reference 9th read above. Accordingly, Government requested the CDMA to furnish the information in the modified check list issued by GA(Ser.C) Department, so as to enable to transmit the same to APPSC for obtaining their concurrence in the reference 10th read above.

5. In the reference 11th read above, Government requested the Government Pleader for Services – IV (MA&UD), High Court of AP to appraise the present situation of the case before the Hon'ble High Court of A.P., with a request to seek further time to conclude the disciplinary proceedings against the (14) charged officers.

6. In the reference 12th read above the charged officer approached the Hon'ble High Court of Andhra Pradesh seeking direction to stay all further proceedings in charge Memo issued on 29.06.2015 and to release the encashment of Earned Leave available to him (Retied Employee) credit along with 80% retirement gratuity as per proviso to rule 52(1) of A.P.Revised Pension Rules as well as per G.O.Rt.No.1097, dt.22.06.2020. The Hon'ble High Court of Andhra Prdesh, Amaravathi, in their orders, dt.19.11.2021 directed the respondents to conclude the final disciplinary proceedings, within a period of two months from today. In the event, the same are not concluded within the stipulated time, the Charge Memo issued to the petitioner shall stand quashed.

7. In reference 13th read above, Government have requested the CDMA/RDMA, Ananthapuram to file extension petition seeking (3) months time for conclusion of departmental proceedings against him. Accordingly, the RDMA., Ananhapuram, has filed extension petition for compliance of the orders of High Court in the reference 14th read above.

8. In the reference 15th read above, the RDMA, Ananthapuram has furnished the service particulars of Sri M. Fazul Rehaman, former Bill Collector, Nandyal Municipality and it was found that he was retired from his service on 30.06.2021. Accordingly, Government after following due procedure a provisional decision has been taken to impose a penalty of 3% cut in monthly pension for a period of ten (10) years besides recovery of loss, under Rule-9 of AP Revised Pension Rules, 1980 against Sri M. Fazul Rehaman, former Bill Collector (Retd), Nandyal Municipality.

9. In the reference 16th read above, a show cause notice has been issued to Sri M. Fazul Rehaman, former Bill Collector (Retd), Nandyal Municipality, as to why the above said penalty cannot be imposed against him. In the reference 17th read above, Sri M. Fazul Rehaman, former Bill Collector (Retd),

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Nandyal Municipality has submitted his written representation and among others, he has requested to drop the further action against him and release pension and pensionary benefits.

10. Government after careful examination of the matter; keeping in view the written representation of the charged officer, extension petition and after following the due procedure, it has been provisionally decided to impose a penalty of 3% cut in pension for a period of ten (10) years, besides recovery of an amount of Rs.31,470/- against Sri M. Fazul Rehaman, former Bill Collector (Retd), Nandyal Municipality in terms of Rule-9 of A.P.Revised Pension Rules, 1980 as all the charges proved against him in the enquiry. Accordingly, Government have addressed a letter to the Secretary, A.P. Public Service Commission to convey their concurrence to the above proposal vide reference 18th read above. In turn, the Secretary, A.P. Public Service Commission has stated that the Commission has agreed with the above proposal of Government i.e., to impose a penalty of 3% cut in pension for a period of ten (10) years, besides recovery of an amount of Rs.31,470/- against Sri M. Fazul Rehaman, former Bill Collector (Retd), Nandyal Municipality, vide reference 19th read above.

11. In the reference 20th read above, another W.P.No.7411/2022 was filed by Sri M. Fazul Rehaman, former Bill Collector (Retd) before the Hon'ble High Court of Andhra Pradesh. Accordingly, draft counter has been prepared by the RDMA, Ananthapuram, and submitted to Govt.Pleader for MA&UD, High Court of Andhra Pradesh, on dt.25.04.2022, for approval.

12. In the reference 21st read above the contempt case No.1144 of 2022 was filed by Sri M. Fazul Rehaman, former Bill Collector (Retd) before the Hon'ble High Court of Andhra Pradesh.

13. Government after examination of the entire matter hereby decided to confirm the provisional decision of imposition of the penalty of 3% cut pension for a period of ten (10) years, besides recovery of an amount of Rs.31,470/- against Sri M. Fazul Rehaman, former Bill Collector (Retd), Nandyal Municipality, in terms of Rule-9 of A.P.Revised Pension Rules, 1980.

14. Accordingly, Government hereby order to impose a penalty of 3% cut in pension for a period of ten (10) years, besides recovery of proportionate amount of Rs.31,470/- from the misappropriated amount against Sri M. Fazul Rehaman, former Bill Collector (Retd), Nandyal Municipality, Kurnool District.

15. The Commissioner and Director of Municipal Administration, A.P, Mangalagiri shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y.SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M. Fazul Rehaman, former Bill Collector (Retd), Nandyal Municipality, Kurnool District **through** CDMA, AP, Mangalagiri.
The Commissioner and Director of Municipal Administration, A.P, Mangalagiri.

Copy to:

The Regional Director-Cum-Appellate Commissioner of Municipal Administration, Anantapuram.
The Secretary, APPSC, Vijayawada.
The Secretary to APVC.
The Commissioner, Nandyal Municipality, Kurnool District
The Accountant General (A&E), Vijayawada.
The Pay & Accounts Office, Ibrahimpatnam.
The District Treasury Office, Nandyal, Nandyal Municipality.
Sf/Sc (243890).

// FORWARDED :: BY ORDER //

SECTION OFFICER